

BATTERERS AS PARENTS

Children are harmed when their caretakers are harmed. This fact is substantiated by twenty years of research into family violence. The following is what we have learned from this research and what is essential for family court judges and family law attorneys to understand:

- At least half of the men who batter their spouses also physically abuse their children. The frequency and severity of the violence directed at children is greater among men who batter than among non-battering men or women who physically abuse their children.
- The risk for children is not limited to direct physical abuse. Children may intervene during a beating or may be accidentally injured by blows or flying objects aimed at their mothers. Moreover, children experience psychological damage and high levels of stress due to the immediate trauma of witnessing or hearing abuse, fearing injury to themselves and their mothers, and witnessing the consequences of violence (such as injuries or property destruction).
- Children are impacted by being exposed to violent role models. Children who grow up with a batterer learn that abuse is an effective way of getting one's needs met and gaining control over a partner. They may not learn effective ways of solving social problems.
- Child witnesses to abuse frequently display significant levels of guilt, anger, withdrawn and anxious behavior, or, conversely, aggressive delinquent behaviors. Many of the children studied have developmental delays, learning difficulties, sleep disorders, and somatic complaints.

Separation violence is a term used to describe the continuing and sometimes lethal violence that occurs when a person tries to leave an abusive partner. National Crime Victim Survey data indicates that separated women are at the greatest risk of assault.

There is an analogous increase in risk to children after separation. Without another adult present, the batterer has less accountability for his actions. The children become one of his only remaining avenues to access, coerce, or punish his partner. With little experience as a caretaker, he is often ill equipped to deal with children exhibiting the traumatic symptoms of his own creation. It is therefore, the opinion of many experts that neither joint custody nor sole custody should be placed with the abusive partner.

There are many differences among people who batter but some things are consistently true. The same personality characteristics that allow someone to batter their partner preclude good parenting:

- *Batterers are controlling and unreasonably demanding.* This leads to unrealistic expectations of children's developmental capabilities. They tend to have a rigid and authoritarian parenting style or are neglectful, often alternating between the two extremes.
- *Batterers externalize responsibility, blaming others for their feelings and actions.* They reverse parent-child roles and make others responsible for the care and well being of their children.
- *Batterers engage in chronic irresponsible behavior.* In terms of parenting this may mean drinking or using other substances while care taking, delaying or ignoring the need for medical attention or medications, not changing diapers, reckless driving and other forms of child endangerment, not paying child support, and dropping in and out of children's lives

including disappearing for days or weeks at a time. Many batterers are markedly under involved in their children's lives. Not only have they not been the primary caregiver but they may know very little regarding a child's likes, dislikes, medical history, sleeping patterns, special abilities, and interests, etc.

- *Batterers are selfish and self-centered.* They focus on their own needs and have high expectations of service from their family members. They are resistant or unwilling to place the needs of their children above their own and are irate when their partner does so.
- *Batterers are manipulative.* They show dramatic swings between kindness and emotional abuse. They are expert at sowing divisions between people in order to avoid personal accountability. They undermine the mother's authority and parenting in multiple ways.
- *Batterers depersonalize their targets and treat family members as owned objects.* Batterers frequently talk in consummate detail about father's *rights* but have little regard or understanding for father's *responsibilities*. This is another reason why children are at increased risk when the mother separates from the relationship: because of the batterer's over-developed sense of entitlement, he feels genuinely outraged and victimized by attempts to limit access to his "property."
- *Batterers abuse their partners serially.* After the mother separates from the relationship, children will continue to witness violence and abuse in the batterer's subsequent relationships unless a treatment program has been successfully completed.

Not surprisingly, joint custody with a batterer can be problematic. Abusers often lack the capacity to mediate in good faith. They regard themselves as the abused party due to the victim ending the relationship and they continue to strive for revenge, control, or reunification through the co-parenting process.

By creating violent and chaotic environments, men who batter are not only at great risk for harming their children, *they have already done so*. In recognition of this, and since one of the best predictors of future behavior is past behavior, in 1992, the United States Congress passed the House Concurrent Resolution 172, stating in part, "it is the sense of Congress that, for purposes of determining child custody, credible evidence of physical abuse of a spouse should create a statutory presumption that it is detrimental to the child to be placed in the custody of the abusive spouse." This was followed by the Iowa legislature in 1995 when the Code was modified to include a rebuttable presumption against joint custody in cases with a history of domestic violence.

The National Council of Juvenile and Family Court Judges' Model Code on Domestic and Family Violence elevates the safety of the child and abused parent above all other "best interest" factors in custodial determinations. The Model Code also provides options for providing safety during visitation. These conditions include:

- No overnights and/or shortened duration of visits.
- The parent must abstain from using alcohol or other drugs during visitation, for 24 hours preceding visitation, and/or complete substance abuse treatment.
- Satisfactory completion of a state certified batterer intervention program.
- Phone contact with the custodial parent during visitation.
- The child must be returned to the custodial parent if he/she requests it at any point.
- Non-professional supervision.

- Professional supervision.
- The exchange of the child in a protective setting.
- The address of the child and abused victim may be kept confidential.